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**APR 11 2005**

**OFFICE OF PETITIONS**

KEATING & BENNETT LLP  
10400 EATON PLACE, SUITE 312  
FAIRFAX, VA 22030

In re Application of :  
Michio Kadota et al :  
Application No. 09/940,988 :  
Filed: August 28, 2001 :  
Attorney Docket No. 36856.541 :

**ON PETITION**

This is a decision on the petition, filed April 8, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on March 15, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**<sup>1</sup>

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter will be forwarded to Technology Center AU 3729 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Date : April 8, 2005  
TO : Director, Office of Patent Publication  
FROM : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : Withdrawal from Issue of Application No. 09/940,988

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**OFFICE OF PETITIONS**

Applicant(s) : Michio Kadota et al  
Application No. : 09/940,988  
Filed : August 28, 2001

The above-identified application has been assigned Patent No. 6,883,214 and an issue date of April 26, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of: April 26, 2005.

"All reference to Patent No. 6,883,214 to Michio Kadota et al of Japan for METHOD FOR ADJUSTING A FREQUENCY CHARACTERISTIC OF AN EDGE REFLECTION TYPE SURFACE ACOUSTIC WAVE DEVICE appearing in the Official Gazette of April 26, 2005 should be deleted since no patent was granted."

Irvin Dingle  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Paul Harrison, Crystal Park 3-441 (FAX-306-2737)  
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